

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**NOVEMBER 16, 2018
8:36 AM**

MEMBERS PRESENT

Representative David Guttenberg, Chair
Senator Bert Stedman, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative Charisse Millett
Representative Dan Ortiz
Representative Harriet Drummond, Majority Alternate
Senator John Coghill
Senator Cathy Giessel
Senator Anna MacKinnon
Senator Peter Micciche

MEMBERS ABSENT

Representative Sam Kito
Representative Louise Stutes
Representative David Eastman, Minority Alternate
Senator Lyman Hoffman
Senator Pete Kelly
Senator Mia Costello, Alternate

OTHER MEMBERS PRESENT

AGENDA

APPROVAL OF AGENDA
APPROVAL OF MINUTES
COMMITTEE BUSINESS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency
Megan Wallace, Director of Legal Services, Legislative
Affairs Agency
Elisha Martin, Colliers International
Brian Meissner, ECI Architects

[9:01:32 AM](#)

I. CALL TO ORDER

CHAIR GUTTENBERG called the Legislative Council meeting to order at 9:01am. Present at the call were: Representatives Claman, Edgmon, Millett, Ortiz, Drummond (alternate), and Guttenberg; Senators Coghill, Giessel, MacKinnon, Micciche, and Stedman. Members absent were: Representatives Kito, Stutes, Eastman (alternate); Senators Hoffman, Kelly, and Costello (alternate).

Eleven members present.

II. APPROVAL OF AGENDA

[9:03:57 AM](#)

SENATOR STEDMAN moved that Legislative Council approve the agenda as presented.

CHAIR GUTTENBERG asked are there any questions?

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Drummond, Coghill, Giessel, MacKinnon, Micciche, Stedman, Guttenberg

NAYS: None

The motion passed 11-0.

III. APPROVAL OF MINUTES

[9:05:50 AM](#)

SENATOR STEDMAN moved that Legislative Council approve the minutes dated September 21, 2018 and October 19, 2018.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Drummond, Coghill, Giessel, MacKinnon, Micciche, Stedman, Guttenberg

NAYS: None

The motion passed 11-0.

IV. COMMITTEE BUSINESS

a. Anchorage Legislative Office Building

CHAIR GUTTENBERG thanked everyone for their time. The memos, papers, designs should be in your packets. We have been working with the architect, building manager, and the builder to come up with a design that will be universally available for any future legislature. Chair Guttenberg read highlights from the November 12 memo.

We met with staff and Legislators here about the design and received many functional suggestions. The design work took time, but we tried to get it right.

We have three motions, as we have three situations, which are explained on page one of the handout. The first is the remodeling of the three floors; the second is code related work; and the third is the parking lot renewal and exterior work that has to be done. The first option is \$6.7 million, adding the second option is another \$324,000, and the third option is \$1 million, bringing the total to approximately \$8 million.

We are open for discussion. In addition to the Legislative Affairs Agency staff present, we have the building manager and the architect, to answer questions as well.

SENATOR STEDMAN suggested having those individuals come forward and explain detail floor by floor.

For the record my name is BRIAN MEISSNER, with ECI Architects and my name is ELISHA MARTIN with Colliers International.

MR. MEISNER provided a general overview based on the drawings provided. The second floor includes two non-legislator staff suites, the Ombudsman and Ethics. The rest is dedicated mostly to legislative suites and the lunch/break room.

The one minor change not reflected in this plan, is the door to the lunch/break room was moved to allow access to the vending and kitchenette area without entering the lunch room, which is a code-driven decision. The bathrooms remain in the same general location, but are upgraded to ADA accessibility standards. There are IT offices, legislative offices, and one conference room.

A schedule item, the Ombudsman is going to stay on this floor during construction, which complicates our schedule for this

floor. The contractor will create safe exiting for them, then build out the rest of the floor, then in May they will shift spaces and their suite will be complete in July. This is the one floor where half of it for occupancy by legislators is delayed until end of July, which is related to having the Ombudsman there as well.

REPRESENTATIVE DRUMMOND asked, on the plans, what is space five?

MR. MEISSNER replied that will be vending machines or some type of similar service.

REPRESENTATIVE DRUMMOND followed up, meaning vendors who would be physically present?

MS. MARTIN replied, no, it is still vending service, it just offers fresh selections.

REPRESENTATIVE DRUMMOND asked is this lunch/break space is for the entire building?

MS. MARTIN replied, correct, there will be little kitchenettes on other floors. We also see the lunch/break area being used for meeting space at some point.

REPRESENTATIVE DRUMMOND continued, how does that space compare to this space, which I assume is the other largest space in the building?

MR. MEISSNER answered that it is smaller than this room. It is limited to 49 occupants and the limit in this space is 99, so half.

REPRESENTATIVE CLAMAN asked, just one question about the break room on the second floor, with the new door configuration, does that mean the kitchen would be before you go through the doors into the breakroom?

MR. MEISSNER replied, that is correct. There will be a door direct into the kitchen from the corridor.

Moving on, floor three is ready for construction as demolition occurred in September and is entirely dedicated to legislative offices. To the right of the elevator is a small conference room to accommodate eight to ten people, and two smaller meeting rooms (called phone rooms) which can accommodate up to four people. The bathrooms have been brought into ADA compliance. There are two internal spaces, labeled meeting and

visiting, that are interchangeable—they can be a small office for a visiting legislator or additional meeting space. On the floor plan, the corridors are widened and have two collaboration areas for breakout sessions or conversations. There are non-Anchorage legislative offices at both ends of the floor, the angles are odd but we did our best to make the most of that space. They do have a window office available to either the legislator or their staff. There are a couple storage and data rooms that have been added. Importantly, the square footage of each office is almost the same and there is room for a legislator and a couple staff in each. The fourth floor looks a lot like this floor. Any questions?

SENATOR STEDMAN noted that on the visiting location there is an interior partition. In other areas where I have worked with no windows, we have put one in the interior wall to allow for natural light.

MR. MEISSNER replied it is hard to see in these plans, but that comment had come up so we added windows.

SENATOR STEDMAN asked how many total offices? How many legislators on floors two, three and four?

MR. MEISSNER responded 27 or 28, not counting non-Anchorage offices, I don't recall exactly as the number changed a lot, but we can count them up and advise back. It is enough.

The fourth floor is almost identical to the third floor in layout. The difference is in the center, there are leadership staff offices which are slightly larger to accommodate more staff.

SENATOR MACKINNON commented we originally discussed bringing in tenants to this building, which has been done on the second floor for the Ombudsman. The fourth floor is ideal rental space and I heard an earlier comment that we have enough offices—do we have too many offices? The fourth floor would be ideal space to rent if the legislature did not have to use it.

CHAIR GUTTENBERG replied there have been discussions about office space. When we moved some agencies in, we determined there is enough space for all of us, but not additional rental space. There was criticism for being a larger landlord versus keeping this building for legislative employees. It evolved into this situation. If we were to redesign and remove non-Anchorage office space, I do not think it adds up to much rental space and would get complicated. It evolved into not having non-legislative agencies in the building.

SENATOR MACKINNON followed up that is disappointing because we were trying to reduce the lease space cost by including outside third parties or other State agencies in the building. Setting that aside, on the fourth floor, is there sound proofing between the leadership offices?

MR. MEISSNER responded yes, there is sound proofing between each set of legislative offices, but not between staff and legislator. Also, going back to the earlier question regarding room count, we have 26 legislative offices, two leadership offices, and five non-Anchorage offices. In addition there are the smaller visiting rooms.

SENATOR STEDMAN can you elaborate on your expectation of the effective sound barrier between offices?

MR. MEISSNER replied yes, between staff and legislator the way those walls are constructed, if someone is speaking in a slightly raised voice you will hear that someone is speaking, but it will not be intelligible. If someone yells, you will understand what is said. Between legislator and adjacent legislator or staff and adjacent staff, even if they are speaking very loudly, it will not be understood. It is very good sound proofing.

SENATOR MACKINNON followed up, I suggest we write into the architect's contract a guarantee on that particular clause. One complaint from the previous building was we could hear into other offices. We discuss very sensitive issues that constituents bring forward and they expect privacy. Sound proofing is imperative and should be assured in the contract.

MR. MEISSNER responded that we are not able to guarantee that level of assurance in our contract as our insurer would un-insure us. I can offer that all of the new conference rooms and suites in the Atwood building are constructed with these types of walls and Elisha and I have tested them, I encourage you to do the same. These walls are constructed as the new Atwood building walls are and they are proven to work.

CHAIR GUTTENBERG asked, I understand you cannot guarantee it, but is there a standard in code for the level of sound barrier that we are looking for?

MR. MEISSNER said yes, there are a couple ratings and the most relevant is an STC rating. For the standard developed for the Department of Administration we have: Type A walls, which are highly confidential walls like conference rooms; Type B walls,

a step down but still quite good; and Type C. The construction in this building is Type A and B. Type A is rated 61, extremely high, and Type B is rated 55, very good. All significantly better than any original wall in this building.

CHAIR GUTTENBERG continued that the Building Manager and the Agency have to monitor to make sure we are getting what you describe, so we do not have to come back and retrofit.

MR. MEISSNER we find that with Type A and B walls, when there is an issue, it just needs to be reported. Usually, we will return to find someone has forgotten to seal around an electrical outlet, bottom of wall, or head of wall. Those are the locations where sound leaks and the fix is usually very simple. We look for that during construction, but if you find a problem, call us back as it is easily fixable.

CHAIR GUTTENBERG explained, this was an issue in the previous building and I want to ensure this is built into the original construction and design work.

MR. MEISSNER noted there are other things we can do, like the yell test, which is the best way to know if it is working.

REPRESENTATIVE DRUMMOND said we talked about the third floor interior windows in non-Anchorage offices, I see that is missing on the fourth floor. Is this an oversight?

MR. MEISSNER yes, apologies, we have changed that and it is not reflected on the version before you.

REPRESENTATIVE DRUMMOND followed up, in the center, the leadership offices do not have any natural light either?

MR. MEISSNER that is a question that needs input now. It was intentional as the use of those offices may change depending on how leadership chose to use them; they could open outward toward corridor or inward toward leadership area. We never got this question answered and are open to input regarding relight location.

REPRESENTATIVE DRUMMOND followed up, my suggestion is in the wall that runs left to right to bring in natural light. We should not miss this opportunity to bring natural light into every office.

SENATOR MACKINNON asked, can you speak to the use of glass in this design? In the previous design and in the current facility, constituents can walk through and see who

legislators are meeting with which creates some concern for constituents who may not want to be seen in the building.

MR. MEISSNER in general, the office space has relights or glass to the hall, so if blinds are not pulled people can see into the staff area. I do not believe there is any suite where people can see from the hall into a legislator's office. It is designed so if privacy is required, the legislator office provides it.

SENATOR MACKINNON asked is there a reason for not using frosted glass versus requiring blinds?

MR. MEISSNER replied, Elisha just reminded me that each window in hallways do have film to five or six feet.

SENATOR MACKINNON followed up, my first comment has to do with the second floor vending machines, I am not sure it is for the architect. Have we thought of a revenue source for that and if we are going to make sure the State receives something to allow a private company in to sell to us? How will that work?

MS. MARTIN replied we are still considering options for that vending area and whether it would be a micro market or vending. We are preparing proposals to present to you to decide the best use of space and revenue.

SENATOR MACKINNON continued we should receive a portion of any revenue coming in on that space.

CHAIR GUTTENBERG responded that yes, we are trying to bring in various private sectors that do those things. At the last meeting with the building manager and architect, we discussed comparable situations in Anchorage buildings and who provides what. We are still working on the details and looking for proposals from the private sector to provide those services.

SENATOR MACKINNON continued, thank you Mr. Chairman. My second item is can someone explain the process for the procurement award for this proposed contract?

JESSICA GEARY, for the record, Jessica Geary, Executive Director, Legislative Affairs Agency. Through the Chair, Senator MacKinnon, when this project was initially discussed, the procurement question was raised at a meeting November 21, 2016, and then Executive Director Pam Varni went through the procurement process. Right now, we are utilizing a government to government contract through the Department of Administration with Colliers International, who was Coldwell

Banker at the time. They did a competitive bid, an RFP, several offers were received, and Bauer Construction won the bid. The project has not changed. There have been changes to the design and details, but we are still operating under the same approved contract. Our legal team reviewed the procurement at that time and has re-reviewed and everything was by the book.

CHAIR GUTTENBERG affirmed this is still the original contract to remodel the building.

SENATOR MACKINNON replied if you believe that is an adequate description for the public and the procurement process, thank you very much.

MEGAN WALLACE, for the record, Megan Wallace, Director of Legal Services, Legislative Affairs Agency. I confirm what Ms. Geary just described. My legal team looked at the initial proposal when it came before the Council in 2016 and we re-reviewed things and concur that this procurement meets the procurement code for the legislature.

REPRESENTATIVE DRUMMOND said my question is on the floor plan. The door that swings into and out of the bathrooms should open against the interior rather than toward the hall. Anyone with a wheelchair would have a hard time getting around that door. That is not a cost issue, just a matter of which way the doors hang.

MR. MEISSNER replied we will take a look at that again. Things have changed a lot. They currently comply with ADA requirements, however I agree they are awkward and we will take another look. We are very limited with available space, but it seems we should be able to swing them the other way.

REPRESENTATIVE DRUMMOND followed up, I appreciate they swing out from the bathroom so you can leave the bathroom without touching the door handles. Thank you to the architects.

MR. MEISSNER said thank you for that comment, we will look again and see if we can change it.

CHAIR GUTTENBERG commented that he was highly impressed with the logical layout of the sink, towels, trash, door handle at the University of Washington Hospital and has suggested that people explore that method.

SENATOR MICCICHE asked for a brief explanation of the schedule, if approved.

MR. MEISSNER responded that if approved, work would start immediately. Construction would start on the third floor which has already been demolished and is ready to go, then on the second floor as soon as we get the northeast quadrant moved out, and not long after on the fourth floor. More importantly, delivery of the third floor would be first and is anticipated for early May, delivery of the fourth floor is anticipated for early June, and delivery of the second floor is anticipated for August with the caveat that we move the Ombudsman in May to allow build out of the second part of that floor.

SENATOR MICCICHE asked, Mr. Chairman, can you clarify that this funding has been appropriated and is not new funding?

CHAIR GUTTENBERG replied, yes, this is not new funding. This has been allocated to the legislature to do this project and we do not need anything by the legislature to approve or move funds in. This has been put aside and allocated for this project. Megan or Jessica, will you please affirm?

MS. GEARY, for the record, Jessica Geary, Executive Director, Legislative Affairs Agency. This is not new money, this was previously appropriated and is available.

SENATOR COGHILL asked how did the contingency of \$300,000 come to be? What formula was used?

MR. MEISSNER said it is based on 5% of construction costs, in addition there is a small amount of contractor contingency within the Bauer number to cover any scope gaps.

CHAIR GUTTENBERG commented that I frequently inquire about cost containment, overruns, and ensuring oversight and that feedback is communicated to the next Legislative Council, Legislative Affairs, the building manager so we are all aware of them, understand them, and approve/disapprove them. We are responsible at the end for all of those actions.

REPRESENTATIVE DRUMMOND said I understand all the interior work will happen in the winter, in terms of the parking lot piece I need a little more description as to what that involves. Is it renewal, repaving, new curb and gutter, are additional islands required?

MR. MEISSNER the parking lot is a complete renewal with new curb and gutter and parking islands. We will need to move toward conformance with Anchorage's Title 21 zoning requirements, so it is a complete re-do.

CHAIR GUTTENBERG said there have been questions about the parking lot renewal and if it is appropriate, can it wait a couple years, what is the actual condition? Will you please speak to that?

MS. MARTIN replied the parking lot is beyond its useful life. Since we have owned the building, we have done crack sealing and some patching, but last year the contractor indicated that due to the "alligatoring", the crack sealing may not be effective. We know the building interior is top priority, but the parking lot needs to follow. When we were tasked with this budget, it was not to be coming back every year needing more funds, but to include everything that will get this property up, as close as we can, to code compliant and be done. In my opinion the parking lot cannot wait past another year.

CHAIR GUTTENBERG part of my philosophy on this project is not to have Legislative Council come back in a year or two and say, how come we did not know? We are putting everything on the table that should be our decisions as the owner. We understand the nature of what we are dealing with and the costs and that nothing is getting cheaper, but we as a legislature and future legislatures will not look back and ask how come we did not know. I asked the building manager to make sure nothing was left out that we could decide to do, so I appreciate that.

REPRESENTATIVE DRUMMOND asked Ms. Martin, you said it cannot wait past another year, so are you saying this estimate is good until the summer of 2020?

MS. MARTIN replied this estimate would be for this next summer of 2019. I guess it would depend on what happens with materials to take it out to 2020.

REPRESENTATIVE DRUMMOND followed up, but delaying for another year would add cost?

MS. MARTIN said yes.

CHAIR GUTTENBERG noted that it is also an estimate, not a bid.

MS. MARTIN said correct.

REPRESENTATIVE CLAMAN the questions I had regarding the parking lot renewal were answered. Can you provide more information on the LED lighting, the parking lot cameras, and light poles and how it relates to the safety concerns?

MR. MEISSNER replied the exterior soffits and lighting is mostly about energy leaks and somewhat visual. The main entry has a small exterior soffit and old lights, a little bit rusty, and a similar situation is repeated in five locations around the building; those are your biggest energy leaks as they are very, very poorly insulated. The lights are an old style energy hog, so that is an energy project not a safety project. The second item, the exterior light poles and with LED lighting. There is very old lighting in the parking lot and this would improve illumination, safety, and improve energy usage. This item should be done at the same time as the parking lot renewal. The last item is a security and safety issue to add parking lot cameras on light poles, which has been requested since we began work on this in 2016. It is very expensive as a standalone project, however very inexpensive as part of the parking lot renewal.

CHAIR GUTTENBERG noted there had been a question during the building walk around about a single flag pole with the American flag, and why there is not one for the State flag; the answer is the pole can accommodate two flags.

SENATOR MACKINNON asked have we worked with the adjacent land holder? Our parking lot is huge and there are two buildings, so is there any synergy in doing both parking lots together?

CHAIR GUTTENBERG replied we have had some conversations with the adjacent owners about the parking lot. What were those specifically? Someone wanted to purchase some of our spots?

MS. MARTIN replied that was on the overflow parking across the way. If we are talking about the building at the other side of the lot, I have not had any dialogue with them. We had some issues with their parking in out spots, but we have resolved those. Other than that, we have had no discussions, but certainly could approach them and see if there is an opportunity for cost savings to do two lots.

SENATOR MACKINNON said I would appreciate taking a look at that. If we approve this it will impact them, so if there is any way to do something together it might prove a better business relationship between the two properties.

REPRESENTATIVE DRUMMOND said I assume this parking lot renewal includes only the parking lot on this block, not the overflow lot that is half a block away that could be used when the parking lot is under construction?

MS. MARTIN replied that is correct.

REPRESENTATIVE DRUMMOND continued I assume the parking lot work can only happen in the summer?

MS. MARTIN replied that is correct.

REPRESENTATIVE DRUMMOND said in terms of use of the parking lot by the building to the east, has a shared parking arrangement been considered, particularly when there are not special events planned for this building that stress the parking needs on this side? I think that would be a neighborly way to proceed.

MS. MARTIN replied yes, I agree that we can facilitate the open dialogue with that building owner about all of the things we have discussed here and ways to move forward.

REPRESENTATIVE DRUMMOND asked does the overflow lot that is half a block away require work, or is that in decent condition?

MS. MARTIN said it is in decent condition.

REPRESENTATIVE DRUMMOND said so that one is "as is" for the time being?

MS. MARTIN replied correct.

CHAIR GUTTENBERG said I suggest we start with the motion on page five which is the total package of the remodel, the alternatives, and the parking lot.

[9:55:16 AM](#)

CHAIR GUTTENBERG called a brief at ease.

[9:55:43 AM](#)

Returned from brief at ease.

[9:55:42 AM](#)

SENATOR STEDMAN moved that Legislative Council approve the Phase 2 Construction budget of \$8,067,231 for the remodel at 1500 W. Benson Blvd, as presented, using legislative capital funds through the property management RSA for construction services with Department of Administration and Colliers International.

The motion was seconded.

CHAIR GUTTENBERG asked is there any discussion? Objection?

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Drummond, Coghill, Giessel, MacKinnon, Micciche, Stedman, Guttenberg

NAYS: None

The motion passed 11-0.

CHAIR GUTTENBERG said thank you everyone your consideration and input. The Anchorage LIO situation has been difficult to say the least and I think this was the responsible thing to do. There is no further business before the Council, so we are adjourned. And thank you to the builders also.

REPRESENTATIVE DRUMMOND one more comment, I want to thank you Mr. Chairman for taking on this thankless task of chairing the Legislative Council. I do believe this may be your last official act?

CHAIR GUTTENBERG said no, I do not believe so. But, thank you Representative Drummond. With that, we are adjourned.

[9:58:24 AM](#)